

REMARKS

This is in response to the Office Action of July 3, 2006. In the Office Action, all pending claims 18-21, 23-31 and 33-36 were rejected. With this Amendment, claims 18 and 28 are amended and the remaining claims are unchanged in the application. All pending claims are presented for reconsideration and favorable action.

I. CLAIM REJECTIONS UNDER 35 U.S.C. §112

On page 2 of the Office Action, claim 18 was rejected under 35 U.S.C. §112, first paragraph. Specifically, the Office Action contends, with respect to claims 18, that the Specification does not contain a written description of “an additional power source capable of supplying an additional voltage,” which is included in claim 18.

Section 2173.05(i) of the Manual of Patent Examination and Procedure (MPEP) states that:

“Adequate description under the first paragraph of 35 USC §112 does not require *literal* support for the claimed invention Rather, it is sufficient if the originally filed disclosure would have conveyed to one having ordinary skill in the art that an appellant had possession of the concept of what is claimed.” *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993).

In the present application, the disclosure clearly shows that Applicants had possession of the concept found in claims 18.

An example of this disclosure is shown in FIG. 1. FIG. 1 of the Application shows a power tester apparatus for testing an electronic device. The apparatus shown in FIG. 1 includes a power control module (PCM) 104 which includes multi-voltage (+5 VDC and +12 VDC) power source 107 and additional power source 108. These two power sources are described in the Specification on page 4. Additionally, page 4 of the Specification describes a variable low disturbance switch 109, which is connected to multi-voltage power source 107, and a variable peak disturbance switch 110 that receives its power from additional power source 108. Claim 18 only features the presence of the additional power source and not its interaction with variable peak disturbance switch 110. Therefore, the issues raised in the Office Action regarding how the circuitry configured to introduce controllable disturbances is related to the additional power source are

irrelevant with respect to claim 18. Thus, Applicants clearly had possession of the invention of claim 18 at the time of filing and such invention is clearly disclosed in the Specification.

On page 3 of the Office Action, claim 18 was rejected under 35 U.S.C. §112, second paragraph. Specifically, the Office Action first contends that it is unclear whether the additional power source is provided. Further, the Office Action suggests that the limitation “wherein the additional voltage is outside a range of the selectable voltage level that the multi-voltage power source can supply,” of claim 18, is indefinite.

While Applicants disagree and believe that claim 18 is sufficiently definite, Applicants have re-worded claim 18 to positively recite the various outputs and to distinguish various voltage levels. Applicants believe that the claim amendments obviate the rejection under 35 U.S.C. §112, second paragraph.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §102

On page 4 of the Office Action, claims 18-20, 24-30 and 34-36 were rejected under 35 U.S.C. §102(e) as being anticipated by Ehiro, U.S. Patent No. 5,970,074.

Claim 18, which is directed to a power tester, requires “a multi-voltage power source having a first voltage output, which is capable of supplying a plurality of selectable voltage levels for a constant power supply voltage at a nominal power supply voltage of an electronic device,” and “an additional power source having a second voltage output, which is capable of supplying an additional voltage level that is different from the plurality of selectable voltage levels.”

Nothing in Ehiro teaches the above elements of claim 18. The only power source in Ehiro is power source 10 that is shown in FIG. 1, which is the only figure in Ehiro that shows an apparatus. The cited figures (FIGS. 4 and 5) and language (column 7, lines 10-50), which show and describe different waveforms, teach nothing about “a multi-voltage power source having a first voltage output, which is capable of supplying a plurality of selectable voltage levels for a constant power supply voltage at a nominal power supply voltage of an electronic device,” and “an additional power source having a second voltage output, which is capable of supplying an additional voltage level that is different from the plurality of selectable voltage levels,” required by claim 18. Thus, Ehiro does not anticipate claim 18.

Independent claim 28 has limitations similar to that of independent claim 18. Thus, for the same reasons as independent claim 18, Applicants submit that independent claim 28 is allowable as well. Moreover, Applicants respectfully submit that the dependent claims rejected under 35 U.S.C. §102 are also allowable at least by virtue of their dependency either directly or indirectly from the allowable independent claims. Further, the dependent claims set forth numerous elements not shown in Ehiro.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §103

On page 6 of the Office Action, claims 21 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ehiro in view of Cronvich et al., U.S. Patent No. 5,386,183. Also, claims 23 and 33 were rejected under §103(a) as being unpatentable over Ehiro in view of Lee et al, U.S. Patent No. 4,764,652.


Claims 21 and 23 ultimately depend from independent claim 18, and claims 31 and 33 ultimately depend from independent claim 28. As noted above, Ehiro shows only one power source and therefore does not teach the elements of claims 18 and 28. Further, Ehiro suggests nothing about “a multi-voltage power source having a first voltage output, which is capable of supplying a plurality of selectable voltage levels for a constant power supply voltage at a nominal power supply voltage of an electronic device,” and “an additional power source having a second voltage output, which is capable of supplying an additional voltage level that is different from the plurality of selectable voltage levels.” Cronvich and Lee do not overcome the deficiencies of Ehiro. Thus, claims 21, 23, 31 and 33 are allowable over the cited art (Ehiro, Cronvich and Lee).

In light of the above amendments and remarks, all pending claims are in form for allowance. Reconsideration and allowance of these claims is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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